

APPENDIX C

Current Site Plan Review

7. SITE PLAN REVIEW AND APPROVAL

7.1 Applicability

No permit to build or alter or expand any industrial or commercial building or structure located in any district where such construction shall exceed a total gross floor area of 600 sq. ft. shall be issued by the Building Inspector, until he shall have received from the Planning Board a written statement of final approval of the Board in accordance with the provisions of this Section. The Building Inspector shall enforce the fulfillment of any conditions or revisions which the Planning Board may impose. This Section shall not include sign or normal maintenance.

7.2 Board of Appeals Referrals

When in accordance with the provisions of this Bylaw the Board of Appeals refers an application for a Special Permit to the Planning Board for review and comment, the Planning Board's written report to the Board of Appeals shall include, but not be limited to, all of the findings and determinations the Planning Board would make in conducting a Site Plan review under this section.

7.3 Findings and Determinations

The Planning Board shall review preliminary site plans and shall issue site plan approval (including appropriate revisions and conditions) if the Planning Board makes the following findings and determinations:

- a. That the proposed development will be harmonious with and not harmful, injurious, or objectionable to existing or future uses in the area and will be consistent with the goals of the Shirley Master Plan;
- b. That natural resources will be preserved to the maximum extent feasible;
- c. That erosion will be controlled during and after construction and will not adversely affect adjacent or neighboring property or public facilities or services;
- d. That increased runoff due to development on the site will not be injurious to any downstream property owners or cause hazardous conditions on adjoining streets;
- e. That adequate parking has been provided and suitably located to ensure compliance with this Bylaw;
- f. That the proposed development will not result in pollution of ground or surface waters;
- g. That the movement of vehicular and pedestrian traffic within the site and in relation to access streets will be safe and convenient;
- h. That appropriate vistas and environmental qualities of the Town will be protected;
- i. That the applicant has demonstrated through presentation of engineering data that natural recharge of the groundwater will not be reduced on the premises; and that the groundwater quality resulting from stormwater run-off, recharge, background water quality, on-site septic systems, and other on-site operations including use of pesticides, fuel, toxic materials, hazardous materials, and fertilizers in conjunction with the proposed development, will not

fall below the standards established by the Massachusetts Department of Environmental Quality Engineering (DEQE) in Drinking Water Standards in Massachusetts.

7.4 Site Plan Filing

A person applying for Site Plan Review shall file with the Planning Board fifteen (15) copies each with a copy filed forthwith with the Town Clerk of an application and a preliminary site plan, and a filing fee as required by the Planning Board. Such application and site plan shall include the elements on which the Planning Board is to make a

finding and determination, as provided in this Section, and shall also include information as to the nature and extent of the proposed use of buildings, and such further information as the Planning Board shall reasonably require by rule or regulation. In subsequent applications concerning the same subject matter, the Board may waive the filing of plans and documents to the extent they duplicate those previously filed.

7.5 Referrals to Town Boards/Commissions

The Planning Board shall within one week of receipt of site plan application transmit to the Conservation Commission and such other Town committees, commissions, and boards it shall reasonably designate by rule or regulation, a copy of the application and site plan. The Conservation Commission and other agencies designated by the Planning Board shall consider the same and submit a final report thereon with recommendations to the Planning Board. The Conservation Commission shall review the application with particular reference to the provisions of the Wetlands Protection Act and shall recommend as to the advisability of granting the site plan approval and as to any restrictions which should be imposed upon the development as a condition of such permit. The Planning Board shall not make a finding and determination upon an application until it has received the final report of the Conservation Commission and/or other agencies designated by the Planning Board thereon, or until thirty-five (35) days shall have elapsed since the transmittal of said copies of the application and site plan to the Conservation Commission and other agencies designated by the Planning Board without such report being submitted.

7.6 Public Hearing and Final Action

The Planning Board shall hold a public hearing within sixty-five (65) days after the filing of an application and site plan and, except as hereinafter provided, shall take final action within ninety (90) days after the date of the public hearing. Such final action shall consist of either:

- 7.6.1 A finding and determination that the proposed construction, reconstruction, substantial exterior alteration, or addition will constitute a suitable development and will not result in substantial detriment to the neighborhood, or the natural, scenic or aesthetic qualities of the Town, or
- 7.6.2 A written denial of the application for such finding and determination, stating the reasons for such denial, which reasons shall include a statement of the respect in which any elements in and particular features of the proposal are deemed by the Board to be unsuitable or detrimental to the neighborhood or the natural, scenic, or aesthetic qualities of the Town.
- 7.6.3 A finding and determination may be made subject to such reasonable conditions, modifications and restrictions set forth therein as the Board may deem necessary to ensure that the proposed construction, reconstruction, substantial exterior alteration, or addition will constitute a suitable development and will not result in substantial detriment to the neighborhood or the natural, scenic, or aesthetic qualities of the Town.

- 7.6.4 In the event that the Planning Board approves a site plan under these provisions, any construction, reconstruction, substantial exterior alteration, or addition shall be carried on only in conformity with any conditions, modifications, and restrictions subject to which the Board shall have made its findings and determination, and only in conformity with the application and site plan on the basis of which the findings and determination are made.
- 7.6.5 Minor changes to the approved site plan may be submitted to the Building Inspector for approval and if deemed insignificant or minor in nature or effect, may be approved by him. Any changes designated to be significant or major by the Building Inspector or the Planning Board shall be resubmitted to the Planning Board in the form of a new site plan. Any building, reconstruction, or expansion not approved by the Building Inspector or the Planning Board shall be ordered halted and fully removed.
- 7.6.6 The approval of a site plan, or a modification or amendment thereof, shall remain effective for a period of one year only from the date of such approval (either directly or by inaction) unless prior to the expiration of such one year period, the applicant makes substantial efforts to build in accordance with the approved site plan, or unless the Planning Board votes to extend the time for a period not to exceed one additional year.